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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,014	06/01/2001	Theodore W. Nye	TRW(AP)5576	3227

26294 7590 08/26/2004

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
526 SUPERIOR AVENUE, SUITE 1111
CLEVEVLAND, OH 44114

EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,014

Applicant(s)

NYE ET AL.

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9, 15, 17-30 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9, 15, 17-30 and 37 is/are allowed.
- 6) ☒ Claim(s) 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 August 2004 has been entered.

Drawings

2. The corrected drawing sheets, containing Figs. 1 and 2, filed on 11 August 2004 have been approved. However, applicant has failed to provide a corrected drawing sheet containing Fig. 3. See the proposed drawing correction filed on 02 January 2003, which included proposed corrections to Fig. 3. A corrected drawing sheet containing Fig. 3 is required in response to this Office action. The correction to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to describe a portion of the spool 34 as being "a one-piece structure that is not formed from separate structures secured together...forming at least part of an axle and two support walls...gear teeth of the gear assembly being formed integrally on the one-piece structure" (claim 38, lines 17-24).

The specification also fails to describe the gear teeth as "located on diametrically opposite sides of the axle" (claims 39 and 42).

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Claim Rejections - 35 USC § 112

4. Claims 39 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 39 and 42 state that the gear teeth are “located on diametrically opposite sides of the axle”. This description appears to be inaccurate since the original disclosure describes the gear teeth as extending in a circular array around the periphery of the support wall 70 (see page 10, line 22 to page 11, line 1). A circular array cannot be accurately described as being on diametrically opposite sides of a member.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 38-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawato (JP 10-167003). Sawato discloses a seat belt system comprising a seat belt retractor 10 having a spool 20 on which is wound a seat belt webbing 18. The spool 20 has an axle and support walls (see Figs. 3 and 5). The webbing 18 is received between the support walls (see Figs. 4 and 5). A gear 203 is formed integrally on the outside surface of one of the support walls (see Figs. 3 and 5). The gear 203 is driven by gears 201, 202, which in turn are driven by an electric pretensioning motor 224. The motor 224 is activated by a controller 120 in response to signals from sensors 122, 124. In the exploded views of Figs. 1 and 3, the spool 20 is illustrated as a one-piece structure, with the gear 203 formed integrally therewith.

Response to Arguments

7. Applicant's arguments with respect to claims 38-43 have been fully considered but they are not persuasive. Applicant argues that Sawato fails to teach a spool comprising a one-piece structure, with the gear teeth formed integrally therewith. The

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examiner disagrees. If the Sawato's spool 20 was made of separate parts that are joined together, then the different parts of the spool would be illustrated in the exploded views of Figs. 1 and 3. However, no separate parts are illustrated in these figures. Instead, the spool 20 is illustrated as a one-piece structure, with the gear 203 formed integrally therewith.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English 8/23/04
Primary Examiner
Art Unit 3616

pe
23 August 2004